

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-7569

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

VIRGIL AVERY WITHERS,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Terrence W. Boyle, Chief District Judge. (CR-00-122-BO, CA-01-987-5-BO)

Submitted: January 27, 2003

Decided: February 10, 2003

Before WILKINS, WILLIAMS, and MICHAEL, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Virgil Avery Withers, Appellant Pro Se. Rudolf A. Renfer, Jr., Assistant United States Attorney, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Virgil Avery Withers seeks to appeal the district court's order denying relief on his motion filed under 28 U.S.C. § 2255 (2000). We have reviewed the record and conclude for the reasons stated by the district court that Withers has not made a substantial showing of the denial of a constitutional right. See United States v. Withers, Nos. CR-00-122-BO; CA-01-987-5-BO (E.D.N.C. July 31, 2002). Accordingly, we deny a certificate of appealability and dismiss the appeal. See 28 U.S.C. § 2253(c) (2000). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED